

**Document 1 of 12**

**Source:**

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water

***Chapter 51. Drinking Water***

**HISTORY**

**CROSS REFERENCES**

Flouridation of water, see section 4201 et seq. of this title.

Sale of bottled mineral or spring water, see section 507 of this title.

Water pollution control, see section 181 et seq. of Title 12.

Water resources conservation, see section 151 et seq. of Title 12.

**Subchapter I. Virgin Islands Safe Drinking Water Act.**

1301. Short title.

1302. Definitions.

1303. Virgin Islands Primary Drinking Water Standards.

1304. Variances and exemptions.

1305. Imminent hazards.

1306. Plan for emergency provision of water.

1307. Notification of users and regulatory agencies.

1308. Prohibited acts.

1309. Penalties and remedies.

1310. Administration.

1311. Severability.

**Subchapter I. Virgin Islands Safe Drinking Water Act**

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**Document 2 of 12****Source:**

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1301. Short title

**§ 1301. Short title**

This chapter may be cited as the Virgin Islands Safe Drinking Water Act.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 177.)

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**Document 3 of 12****Source:**

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1302. Definitions

**§ 1302. Definitions**

As used in this chapter -

(a) "Agency" means the Department of Conservation and Cultural Affairs as the agency charged with responsibility for implementation of this chapter.

(b) "Commissioner" means the Commissioner of the Department of Conservation and Cultural Affairs, or his authorized agent.

(c) "Public Water System" means a system for the provision to the public water for human consumption through pipes or other constructed conveyances, or distributed by a water hauler, if such a system has at least eight (8) service connections or regularly services at least twenty individuals. Such term includes (1) any collection, treatment, storage and distribution facilities under control of the operator of such system and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(d) "Person" means an individual, corporation, company, association, partnership, federal agency or the territory of the Virgin Islands or any governmental agency, department, or authority thereof.

(e) "Municipality" means a city, town, or other public body created by or pursuant to territorial law.

(f) "Federal agency" means any department, agency, or instrumentality of the United States.

(g) "Supplier of water" means any person who owns or operates a public water system.

(h) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(i) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(j) "Federal Act" means the Safe Drinking Water Act, P.L. 93-523.

(k) "Primary drinking water standards" means standards which -

(1) apply to public water systems;

(2) specify contaminants which, in the judgment of the Commissioner, may have any adverse effect on the health of persons;

(3) specify for each such contaminant either -

(i) a maximum contaminant level, if in the judgment of the Commissioner, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or,

(ii) if, in the judgment of the Commissioner it is not economically or technologically feasible to ascertain the level of such contaminant, each treatment technique known to the Commissioner which leads to a reduction in the level of such contaminant sufficient to satisfy the requirement of section 1303; and

(4) contain criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels; including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to (a) the minimum quality of water which may be taken into the system and (b) siting for new facilities for public water systems.

(l) "National Primary Drinking Water Standards" means primary drinking water standards promulgated by the Administrator pursuant to the Federal Act.

(m) "Water hauler" means any person who transports water for human consumption by truck, water barge or tank to any cistern, residence, or any other drinking water storage facility.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 177; amended Sept. 6, 1978, No. 4201, § 1, Sess. L. 1978, p. 224; Oct. 9, 2001, No. 6433, § 1(a), Sess. L. 2001, p. 200.)

#### HISTORY

**Revision note.** Substituted "Department of Planning and Natural Resources" for "Department of Conservation and Cultural Affairs" in subsecs. (a) and (b) pursuant to Act June 24, 1987, no. 5265, § 301, Sess. L. 1987, p. 229. See section 407 of Title 3.

**References in text.** The safe drinking Water Act, P.L. 93-523, referred to in subsec. (j), is classified principally to 42 U.S.C. § 300f et seq.

**Amendments-2001.** Act 6433 rewrote the first sentence which formerly read "Public water systems" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals" in subsection (c); and added subsection (m).

**-1978.** Subsection (d): Deleted the words "municipality, or" before the words "federal agency" and added the words "or the territory of the Virgin Islands or any governmental agency, department, or authority thereof." after the words "federal agency".



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**Document 4 of 12**

**Source:**

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1303. Virgin Islands Primary Drinking Water Standards

**§ 1303. Virgin Islands Primary Drinking Water Standards**

(a) The Commissioner shall with the approval of the Governor promulgate and enforce Virgin Islands Primary Drinking Water Standards. Virgin Islands Primary Drinking Water Standards shall protect health to the extent feasible, using technology, treatment techniques, and other means, which are generally available on December 16, 1974. Maximum contaminant levels covered by revised National Primary Drinking Water Standards shall be set at a level at which no known anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety.

Treatment techniques covered by revised National Primary Drinking Water Standards shall require treatment necessary to prevent known or anticipated adverse effects on the health of persons to the extent feasible. Provided, that at any given time the Virgin Islands Primary Drinking Water Standards shall be no less stringent than the complete or revised National Primary Drinking Water Standards in effect at that time.

(b) The Commissioner shall promulgate regulations that adopt, incorporate, and enforce, herein by reference the National Primary Drinking Water Regulations, as amended and supplemented from time to time, starting with amendments to the National Safe Drinking Water Act of 1996, as amended, and including all siting requirements, filtration and disinfection requirements, maximum contaminant levels, monitoring and analytical requirements, reporting requirements, public notification and record-keeping requirements as the Virgin Islands Primary Drinking Water Regulations, applicable to all public water systems

(1) which consists only of distribution and storage facilities (and which does not have any collection and treatment facilities);

(2) which obtains all of its water from but is not owned or operated by a public water system to which such regulations apply;

(3) which does not sell water to any person; and

(4) which is not a carrier which conveys passengers in interstate commerce.

(c) The Commissioner shall adopt and implement adequate procedures for the enforcement of Virgin Islands Primary Drinking Water Standards, including monitoring, reporting and inspection procedures, that comply with regulations established by the Administrator pursuant to the Federal Act.

(d) The Commissioner shall keep such records and make such reports with respect to his activities under subsections (a) and (c) above as may be required by regulations established by the Administrator pursuant to the Federal Act.

(e) The Commissioner shall promulgate and enforce discretionary changes to the National Regulations as are necessary and appropriate to the special circumstances of the Virgin Islands in accordance with the discretionary authority permitted by the National Regulations, but the Virgin Islands Primary Drinking Water Standards shall be no less stringent than the National Primary Drinking Water Regulations in effect at the time.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 179; amended Oct. 9, 2001, No. 6433, § 1(b), Sess. L. 2001, p. 200.)

#### HISTORY

**Amendments-2001.** Act 6433 deleted "interim" throughout; rewrote subsection (b); inserted "reporting" following "monitoring" in subsection (c); and added subsection (e).

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#### Document 5 of 12

##### Source:

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1304. Variances and exemptions

#### § 1304. Variances and exemptions

The Commissioner may authorize variances or exemptions from the regulations issued pursuant to section 1303 under conditions and in such manner as he deems necessary and desirable; Provided, however, That such variances or exemptions are permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which variances and exemptions may be granted under the Federal Act.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 180.)

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#### Document 6 of 12

##### Source:

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1305. Imminent hazards

#### § 1305. Imminent hazards

The Commissioner, upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of persons, may take such actions as he may deem necessary in order to protect the health of such persons. The actions which the Commissioner may take include (but shall not be limited to) (a) issuing such orders as may be necessary to protect the health of persons who are or may be users of such system (including travelers), and (b) commencing a civil action for appropriate relief, including a restraining

order or permanent or temporary injunction.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 180.)

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#### Document 7 of 12

##### Source:

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1306. Plan for emergency provision of water

##### § 1306. Plan for emergency provision of water

The Commissioner shall promulgate an adequate <sup>language</sup> plan for the provision of safe drinking water under emergency circumstances. When, in the judgment of the Commissioner, emergency circumstances exist in the Virgin Islands with respect to a need for safe drinking water, he may take such actions as he may deem necessary in order to provide such water where it otherwise would not be available.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 180; amended Sept. 6, 1978, No. 4201, § 2, Sess. L. 1978, p. 224.)

#### HISTORY

**Amendments-1978.** Substituted the words "Virgin Islands" for "State".

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#### Document 8 of 12

##### Source:

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##### § 1307. Notification of users and regulatory agencies

Whenever a public water supply system (a) is not in compliance with the Virgin Islands Primary Drinking Water Standards, (b) fails to perform monitoring required by regulations adopted by the Commissioner, (c) is subject to a variance granted for an inability to meet maximum contaminant level requirements, (d) is subject to an exemption or (e) fails to comply with the requirements prescribed by a variance or exemption, the system shall as soon as practicable notify the Commissioner of Health, the agency, the Administrator and communications media serving the area served by the system of that fact and the extent and nature and possible health effects of such fact. Such notice also shall be given by the system by publication in a newspaper of general circulation (as determined by the Commissioner) within the area served by such water system at least once every 3 months so long as the violation, variance or exemption continues. Such notice shall also be given with the water bills of the system so long as the violation, variance or exemption continues, as follows: If the water bills of a public water system are



issued more often than once every 3 months, such notice shall be included in at least one water bill of the system for each customer every 3 months; if the system issues its water bills less often than once every 3 months, such notice shall be included in each of the water bills issued by the system for each customer. Provided, however, that the Commissioner may prescribe by regulations alternative notice requirements for systems principally serving nonresident users.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 180.)

#### HISTORY

#### CROSS REFERENCES

Filing and publication of regulations, see section 911 et seq. of Title 3.

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#### Document 9 of 12

##### Source:

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1308. Prohibited acts

#### § 1308. Prohibited acts

The following acts and the causing thereof are prohibited:

(a) Failure by a supplier of water to comply with the requirements of section 1307 of this chapter, or dissemination by such supplier of any false or misleading information with respect to notices required pursuant to section 1307 or with respect to remedial actions being undertaken to achieve compliance with Virgin Islands Primary Drinking Water Standards.

(b) Failure by a supplier of water to comply with regulations promulgated pursuant to section 1303 of this chapter, or with conditions for variances or exemptions authorized under section 1304 of this chapter.

(c) Failure by any person to comply with any order issued by the Commissioner under section 1305 of this chapter.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 181.)

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#### Document 10 of 12

##### Source:

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1309. Penalties and remedies

**§ 1309. Penalties and remedies**

(a) A civil penalty not to exceed \$5,000 may be imposed on any person who wilfully violates section 1308(a) of this chapter.

(b) A civil penalty not to exceed \$5,000 for each day in which a violation of section 1308(b) occurs may be imposed on any person who wilfully violates 1308(b) of this chapter.

(c) All civil penalties permitted under subsections (a) and (b) of this section shall be assessed by the appropriate court; provided, however, that at such time, if any, that the Commissioner may promulgate rules and regulations establishing a procedure for the administrative assessment of civil penalties, he shall have the alternative of proceeding by means of court assessment or such administrative procedure. The Commissioner is hereby authorized to promulgate all rules and regulations which he deems necessary to implement the alternatives allowed by this section.

(d) Any person who wilfully violates or fails or refuses to comply with any order issued by the Commissioner under section 1305 may, in an action brought in the appropriate court to enforce such order, be fined not more than \$5,000 for each day in which such violation occurs or failure to comply continues.

(e) The Commissioner may institute a civil action in any court of appropriate jurisdiction for injunctive relief to prevent violation of any order or regulation issued pursuant to this chapter, in addition to any other remedies provided for under this section.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 182; amended Sept. 6, 1978, No. 4201, §§ 3-5, Sess. L. 1978, p. 224.)

**HISTORY**

**Amendments-1978.** Substituted "section 1308(a)" for "section 1309(a)" following "violates" in subsec. (a), added present subsec. (c) and redesignated former subsecs. (c) and (d) as present subsecs. (d) and (e).

**CROSS REFERENCES**

Filing and publication of regulations, see section 911 et seq. of Title 3.

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**Document 11 of 12****Source:**

Virgin Islands Primary Law/Virgin Islands Code Annotated/TITLE 19 HEALTH/PART VI. REGULATORY PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1310. Administration

**§ 1310. Administration**

To carry out the provisions and purposes of this chapter, the Commissioner is authorized and empowered to:



(a) perform any and all acts necessary to carry out the purposes and requirements of this chapter and of the Federal Act, relating to the adoption and enforcement of the Virgin Islands Primary Drinking Water Standards;

(b) administer and enforce the provisions of this chapter and all rules, regulations and orders promulgated, issued or effective hereunder;

(c) enter into agreements, contracts, or cooperative arrangements, subject to all applicable Virgin Islands procurement statutes, under such terms and conditions as he deems appropriate, with other state, federal, or interstate agencies, municipalities, educational institutions, local health departments, or other organizations or individuals;

(d) receive financial and technical assistance from the federal government and other public or private agencies;

(e) participate in related programs of the federal government, other States, interstate agencies, or other public or private agencies or organizations;

(f) establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of carrying out provisions of this chapter;

(g) delegate those responsibilities and duties as deemed appropriate for the purpose of administering requirements of this chapter;

(h) establish and collect fees for conducting inspections and laboratory analyses as may be necessary;

(i) prescribe such regulations as are necessary or appropriate to carry out his function under this chapter.

(j) enter, upon presentation of his credentials, any premises at which a public water system, or any part thereof, is located or at which any records are required to be maintained; and

(k) have access to and copy, at reasonable times, any records required to be maintained.

(l) (1) The Departments of Health and Planning and Natural Resources shall coordinate and cooperate in the enforcement of section 507 of this title. The Department of Planning and Natural Resources is hereby authorized to sample locally produced and imported bottled water and ice to determine compliance with the V.I. Safe Drinking Water Act and the regulations promulgated thereto.

(2) The Commissioner is authorized (i) to promulgate regulations to control the import, holding for sale, sampling and testing, and recall of violative batches of bottled water and ice and (ii) to issue stop sale and recall orders for lots or batches of bottled water and ice deemed in violation of the V.I. Safe Drinking Water Act or that may prejudice the public's health. The Commissioner of Health shall render assistance and support to the Commissioner of Planning and Natural Resources when deemed necessary by the Commissioner of Planning and Natural Resources.

(m) prescribe permit certification and registration requirements as are necessary or appropriate for

the purpose of ensuring that the requirements of this chapter are being complied with by public water systems and associated persons, and establish fees and determine a rate schedule for the permits, registrations, and certifications issued pursuant to rules and regulations.

(n) The Commissioner may promulgate rules and regulations to control the usage of materials in all rainwater catchment systems in the Virgin Islands to protect public health, including public water systems, private residences and any building that is designed to catch rainwater as a source of drinking water. Materials include all surface coatings, sealants, and paints, and all components that come in contact with water.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 182; amended Sept. 6, 1978, No. 4201, § 7, Sess. L. 1978, p. 225; Jan. 12, 1998, No. 6195, § 1, Sess. L. 1997, p. 1; Oct. 9, 2001, No. 6433, § 1(c), Sess. L. 2001, p. 201.)

#### HISTORY

**Revision note.** In subsec. (j), substituted "presentation" for "preservation" to correct an error pursuant to section 14 of Title 1.

Substituted "section 507 of this title" for "Section 507" in the first sentence of subsec. (j)(1) to conform reference to V.I.C. style pursuant to section 14 of Title 1.

**Editor's note.** Act October 9, 2001, No. 6433, § 1(c) attempted to add subsections (l) and (m). The new subsections were redesignated (m) and (n) by the publisher to avoid conflict with current subsection (l).

**References in text.** The V.I. Safe Drinking Water Act, referred to in subsec. (j)(1), is codified at 19 V.I.C. § 1301 et seq.

**Amendments-2001.** Act 6433 added subsections (m) and (n).

-1998. Subsection (j): Added.

-1978. Subsection (h): Deleted "and" following "necessary".

Subsection (j): Added.

Subsection (k): Added.

#### ANNOTATIONS

##### 1. INSPECTIONS.

This section authorizes employees of the Department of Conservation and Cultural Affairs to enter upon any premises and inspect public water and public water systems and records pertaining thereto., 8 V.I.Op.A.G. 124.

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#### Document 12 of 12

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1/8/2004

PROVISIONS CONCERNING PUBLIC HEALTH/Chapter 51. Drinking Water/ § 1311. Severability

**§ 1311. Severability**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

(Added Nov. 6, 1975, No. 3758, Sess. L. 1975, p. 183.)

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